

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION**

JOE GREER, JR., SARAH GREER,)
JOE GREER, III, LISA GREER,)
QUANTE GREER, a Minor Child,)
By Next of Friend, CANDACE)
DAUGHTREY, TARVAUS GREER,)
TISHON GREER and BRANDON)
GREER,)

Plaintiffs)

v.)

HERITAGE OPERATING, LP, d/b/a)
FLAMEGAS, INC and EMPIRE)
COMFORT SYSTEMS, INC.)

Defendants.)

NO. 1:04-0024
JUDGE HAYNES


ORDER

In accordance with the Memorandum filed herewith, the Defendant Heritage Operating, LP's motion for summary judgment (Docket Entry No. 40) is **DENIED**. The Defendant Empire Comfort Systems Inc.'s motion for summary judgment (Docket Entry No. 43) is **GRANTED**.

Plaintiffs' claims against the Defendant Empire Comfort Systems Inc. are **DISMISSED with prejudice**.

It is so **ORDERED**.

ENTERED this the 27th day of July, 2005.


WILLIAM J. HAYNES, JR.
United States District Judge